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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

IN THE MATTER OF	:	Administrative Action
	:	
Joseph Zicchino, D.M.D.	:	CONSENT ORDER
License No. 22DI02008700	:	
	:	
LICENSED TO PRACTICE DENTISTRY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of a complaint from M.C. alleging that the treatment rendered by Joseph Zicchino, D.M.D. ("Respondent") failed to conform to the billing practices and standard of care for dental practices in violation of the Board's regulations governing the practice of dentistry in the State of New Jersey.

Specifically, complainant M.C. alleges that Respondent collected eight thousand dollars (\$8,000.00) in advance for all services to be provided pursuant to a comprehensive treatment plan including placement of a full crown on tooth number two on October 07, 2010. After placement, the crown came off the

patient's tooth twice. However, when it was time to make the upper and lower partial dentures, Respondent requested an additional two thousand dollars (\$2,000.00), which M.C. contends was part of the comprehensive treatment plan, and thus included in the initial \$8,000.00 payment.

Additionally, Respondent failed to provide M.C.'s complete patient record to the Board including a medical history, periodontal charting, and contemporaneous patient notes, requested prior to the investigative inquiry.

On July 16, 2014, Respondent appeared at an investigative inquiry with Michael Keating, Esq. During the investigative inquiry, Respondent submitted the remainder of the patient records, which included a medical history chart, periodontal charting, and non-contemporaneous patient notes.

Respondent testified that M.C.'s upper and lower partial dentures were not part of the original treatment plan. However, Respondent acknowledged that upper and lower partials were noted on the handwritten treatment record dated October 07, 2010 to October 26, 2010. In addition, Respondent testified that he was aware that the crown on tooth number two needed to be replaced, however, the patient would not return to the Respondent's office.

Based on the record created, including Respondent's testimony at the inquiry, the patient's letter of complaint, and the patient's records as maintained by Respondent, it appears to the Board that Respondent's recordkeeping, treatment planning, execution of treatment, and billing practices deviate from generally accepted standard of care for a dental practice in this State. Respondent failed to provide a comprehensive treatment plan, and failed to provide a satisfactory crown. In addition, Respondent failed to submit to the Board complete and contemporaneous patient records.

These facts form the basis for disciplinary action pursuant to N.J.S.A. 45:1-21(e). However, it appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 28<sup>th</sup> DAY OF July, 2015,

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall fully attend at his expense, successfully complete, and pass, an ethics course within six months of the entry of this Consent Order. Respondent shall complete the ProBE (Professional Problem Based Ethics) course offered by The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for

Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903, or another course of similar content and length pre-approved by the Board. Documentation of full attendance and successful completion of the course shall be provided to the Board within ten days of completion.

2. Respondent shall fully attend and successfully complete at his expense four (4) hours of continuing education in record keeping and seven (7) hours of continuing education in diagnosis and treatment planning within six (6) months of the entry of this Consent Order. The course work, shall be in addition to Respondent's regularly required continuing education hours. Respondent shall provide proof of successful completion of each course within thirty (30) days of completion.

3. Respondent shall institute a 3-day waiting period after any treatment plan has been presented to patients before submitting any application for third party financing.

4. Respondent shall pay a civil penalty in the amount of \$5,000 pursuant to N.J.S.A. 45:1-22 for failure to maintain adequate patient records. Payment of the civil penalties of \$5,000.00 shall be submitted by bank check, money order, wire transfer or credit card made payable to the State of New Jersey and shall be sent to Jonathan Eisenmenger, Executive Director,

Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101 upon the entry of the Order. In the alternative, Respondent shall make three (3) monthly payments with the first payment of \$2,500.00 due upon the entry of this Consent order and Respondent shall make two (2) monthly payments of \$1,250.00 on the first of the month of June and July 2015. In the event that Respondent does not make a timely payment, the full balance will immediately become due.

5. Failure to comply with any of the terms of this Consent Order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

By

Shirley Brenz, MS, RDH  
Shirley Brenz, M.S., R.H.D.  
Board President

I have read and I understand this Consent Order and agree to be bound by its terms. I consent to the entry of this Order.

Joseph R. Zischino, D.M.D.  
Date: \_\_\_\_\_

I consent to the entry of this order as to form.

Michael J. Keating, Esq.  
Date: 7/28/16